

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY TYREE BROWN,

Plaintiff,

V.

DEVON SCHRUM *et al.*,

Defendants.

Case No. C08-5326RBL/JKA

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation [Dkt. #28], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) All claims involving the Washington State Penitentiary, and the April 25, 2005, visit to the Washington State Reformatory clinic are time Barred. In addition, claims against defendants Quinn and Schrum fail to state a claim. These claims are **DISMISSED WITH PREJUDICE**.
- (3) The remaining two claims, one for delay in obtaining treatment and one for denial of the requested surgery survive this initial summary judgment motion. Plaintiff is entitled to proceed with discovery. These claims may be subject to further dispositive motions.
- (4) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 23RD day of ~~March~~, 2009.

of March, 2009.
Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE